

SB2427



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2427

Introduced 2/26/2021, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Provides that "public body" includes: (1) a nonprofit entity that is created to manage State-owned real property under the jurisdiction of the Metropolitan Pier and Exposition Authority; and (2) a nonprofit entity that, in furtherance of a public purpose, enters into a contract to provide goods or services related to State-owned real property under the jurisdiction of the Metropolitan Pier and Exposition Authority.

LRB102 15242 HEP 20597 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 2 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" includes:
17 (1) a nonprofit entity that is created to manage State-owned
18 real property under the jurisdiction of the Metropolitan Pier
19 and Exposition Authority; and (2) a nonprofit entity that, in
20 furtherance of a public purpose, enters into a contract to
21 provide goods or services related to State-owned real property
22 under the jurisdiction of the Metropolitan Pier and Exposition
23 Authority. "Public body" does not include a child death review

1 team or the Illinois Child Death Review Teams Executive
2 Council established under the Child Death Review Team Act, or
3 a regional youth advisory board or the Statewide Youth
4 Advisory Board established under the Department of Children
5 and Family Services Statewide Youth Advisory Board Act.

6 (b) "Person" means any individual, corporation,
7 partnership, firm, organization or association, acting
8 individually or as a group.

9 (c) "Public records" means all records, reports, forms,
10 writings, letters, memoranda, books, papers, maps,
11 photographs, microfilms, cards, tapes, recordings, electronic
12 data processing records, electronic communications, recorded
13 information and all other documentary materials pertaining to
14 the transaction of public business, regardless of physical
15 form or characteristics, having been prepared by or for, or
16 having been or being used by, received by, in the possession
17 of, or under the control of any public body.

18 (c-5) "Private information" means unique identifiers,
19 including a person's social security number, driver's license
20 number, employee identification number, biometric identifiers,
21 personal financial information, passwords or other access
22 codes, medical records, home or personal telephone numbers,
23 and personal email addresses. Private information also
24 includes home address and personal license plates, except as
25 otherwise provided by law or when compiled without possibility
26 of attribution to any person.

1 (c-10) "Commercial purpose" means the use of any part of a
2 public record or records, or information derived from public
3 records, in any form for sale, resale, or solicitation or
4 advertisement for sales or services. For purposes of this
5 definition, requests made by news media and non-profit,
6 scientific, or academic organizations shall not be considered
7 to be made for a "commercial purpose" when the principal
8 purpose of the request is (i) to access and disseminate
9 information concerning news and current or passing events,
10 (ii) for articles of opinion or features of interest to the
11 public, or (iii) for the purpose of academic, scientific, or
12 public research or education.

13 (d) "Copying" means the reproduction of any public record
14 by means of any photographic, electronic, mechanical or other
15 process, device or means now known or hereafter developed and
16 available to the public body.

17 (e) "Head of the public body" means the president, mayor,
18 chairman, presiding officer, director, superintendent,
19 manager, supervisor or individual otherwise holding primary
20 executive and administrative authority for the public body, or
21 such person's duly authorized designee.

22 (f) "News media" means a newspaper or other periodical
23 issued at regular intervals whether in print or electronic
24 format, a news service whether in print or electronic format,
25 a radio station, a television station, a television network, a
26 community antenna television service, or a person or

1 corporation engaged in making news reels or other motion
2 picture news for public showing.

3 (g) "Recurrent requester", as used in Section 3.2 of this
4 Act, means a person that, in the 12 months immediately
5 preceding the request, has submitted to the same public body
6 (i) a minimum of 50 requests for records, (ii) a minimum of 15
7 requests for records within a 30-day period, or (iii) a
8 minimum of 7 requests for records within a 7-day period. For
9 purposes of this definition, requests made by news media and
10 non-profit, scientific, or academic organizations shall not be
11 considered in calculating the number of requests made in the
12 time periods in this definition when the principal purpose of
13 the requests is (i) to access and disseminate information
14 concerning news and current or passing events, (ii) for
15 articles of opinion or features of interest to the public, or
16 (iii) for the purpose of academic, scientific, or public
17 research or education.

18 For the purposes of this subsection (g), "request" means a
19 written document (or oral request, if the public body chooses
20 to honor oral requests) that is submitted to a public body via
21 personal delivery, mail, telefax, electronic mail, or other
22 means available to the public body and that identifies the
23 particular public record the requester seeks. One request may
24 identify multiple records to be inspected or copied.

25 (h) "Voluminous request" means a request that: (i)
26 includes more than 5 individual requests for more than 5

1 different categories of records or a combination of individual
2 requests that total requests for more than 5 different
3 categories of records in a period of 20 business days; or (ii)
4 requires the compilation of more than 500 letter or
5 legal-sized pages of public records unless a single requested
6 record exceeds 500 pages. "Single requested record" may
7 include, but is not limited to, one report, form, e-mail,
8 letter, memorandum, book, map, microfilm, tape, or recording.

9 "Voluminous request" does not include a request made by
10 news media and non-profit, scientific, or academic
11 organizations if the principal purpose of the request is: (1)
12 to access and disseminate information concerning news and
13 current or passing events; (2) for articles of opinion or
14 features of interest to the public; or (3) for the purpose of
15 academic, scientific, or public research or education.

16 For the purposes of this subsection (h), "request" means a
17 written document, or oral request, if the public body chooses
18 to honor oral requests, that is submitted to a public body via
19 personal delivery, mail, telefax, electronic mail, or other
20 means available to the public body and that identifies the
21 particular public record or records the requester seeks. One
22 request may identify multiple individual records to be
23 inspected or copied.

24 (i) "Severance agreement" means a mutual agreement between
25 any public body and its employee for the employee's
26 resignation in exchange for payment by the public body.

1 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
2 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)